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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PUROL, DAVID M

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

05/11/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

2. The information disclosure statement filed 04232009 fails to comply with 37 CFR 1.98(a)(3) because the listed references are not in the English language and therefore the applicant is required to provide a concise explanation of the relevance clearly identifying the structural aspects of the each listed reference which discloses the claimed limitations.

The applicant is required to provide a copy of the translation if a written English-language translation of a non-English language document, is within the possession, custody, or control of, or is *available* to the applicant.

The information disclosure statement filed 04232009 has been placed in the application file, but the information referred to therein has not been considered.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,6,11,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al (U.S. Patent No. 6,012,506) in view of Ciuca et al (U.S. Patent No. 6,330,899).

Wang et al discloses a solar radiation shielding apparatus comprising a rotatable winding pulley 42A,42B, a lifting cord 30a,30B, a solar radiation shielding member 22, a rotatable driving shaft 41A, and a friction adjuster 50,51,52 having selectively engaging protrusions 511,521 which responds to the claimed cam mechanism having a stop engageable with a supporting member. While Wang et al do not disclose the use of an obstacle detector frictionally engaging the winding pulley, Ciuca et al disclose a solar radiation shielding apparatus comprising an obstacle detector 80 frictionally engaging a winding pulley 72, wherein, to incorporate this teaching into the solar radiation shielding apparatus of Wang et al for its explicit purpose of controlling movement would have been obvious to one of ordinary skill in the art.

The applicant argues that the solar radiation shielding apparatus disclosed by Wang includes friction adjusters 50, 51 and 52 for the purpose of maintaining the slats 21 in a state of equilibrium and not for stopping the lowering of the slat 21 when the solar radiation shielding member collides with an obstacle and for at least this reason Wang fails to disclose any member corresponding to the obstacle detection stopping device of claim 1. The applicant further argues that the solar radiation shielding apparatus disclosed by Ciuca includes an adjustable friction member 80 provided for the purpose of maintaining the slats 18 in a state of equilibrium and not for stopping the lowering of the slat 18 when the slat 18 collides with an obstacle and for at least this

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reason Ciuca fails to disclose any member corresponding to the obstacle detection stopping device of claim 1. These arguments are not convincing for in the presence of an obstacle the slats will be stopped because they are in a state of equilibrium.

4. Claims 4,5,7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 13 and 14 are allowed.

6. **THIS ACTION IS MADE FINAL.** The claims of this application for which a request for continued examination (RCE) has been filed may be finally rejected in the action immediately subsequent to the filing of the RCE where all the claims in the application are drawn to the same invention claimed and would have been properly finally rejected on the grounds or art of record in the next Office action if they had been entered in the application prior to the filing of the RCE under 37 CFR 1.114.

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David M. Purol whose telephone number is (571) 272-6833.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Katherine Mitchell, can be reached at (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David M Purol/
David M Purol
Primary Examiner
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